



April 15, 2026

RE: [REDACTED] WV DoHS/BFA
ACTION NO.: 26-BOR-1559

Dear [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the DEPARTMENT OF HUMAN SERVICES (DoHS). These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Carl Hostler, Assistant Attorney General

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW**

[REDACTED]

Appellant,

v.

Action Number: 26-BOR-1559

**WEST VIRGINIA DEPARTMENT OF
HUMAN SERVICES
BUREAU FOR FAMILY ASSISTANCE,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 7, 2026.

The matter before the Hearing Officer arises from the Respondent's decision on March 2, 2026, to implement a Supplemental Nutrition Assistance Program (SNAP) overissuance repayment claim against the Appellant.

At the hearing, the Respondent appeared by Carl Hostler, Assistant Attorney General. Appearing as a witness for the Respondent was Christina Saunders, Investigations and Fraud Management. The Appellant appeared and was self-represented. All witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 SNAP Notice of Quality Control (QC) Error Findings
- People's Access to Help (PATH) SNAP Active Case Review screenprints
- SNAP Application, received December 20, 2024
- Employee Wage Data for the Appellant, second quarter 2024 through first quarter 2025
- Employee Wage Data for [REDACTED], third quarter 2022 through fourth quarter 2024
- Earnings Statements for the Appellant: March 7, and March 21, 2025
- Earnings Statements for [REDACTED] March 7, March 14, and March 28, 2025
- Earnings Statements for the Appellant: November 29, December 13, December 27, 2024
- Earnings Statements for [REDACTED]: November 22, November 29, December 6, and December 13, 2024
- PATH Case Comments Screenprint, from September 13, 2024, through February 3, 2025

- D-2 SNAP Notice of Quality Control (QC) Error Findings
- D-3 West Virginia Income Maintenance Manual (WVIMM) excerpt, Chapter 1
- D-4 Benefit Recovery Referral Screenprint
SNAP Claim Determination Worksheet
SNAP Claim Calculation Sheets
SNAP Allotment Determination Screenprints
SNAP Issuance History-Disbursement Screenprints
Employee Wage Data Screenprints
Email Correspondence from the Appellant, dated July 22, 2025
[REDACTED]. Paystubs for June and July 2025
- D-5 DoHS Notice dated February 12, 2025
- D-6 DoHS Notice, received on June 30, 2025
- D-7 DoHS Verification Checklist, dated July 17, 2025
- D-8 SNAP Review Form, received July 6, 2023
- D-9 West Virginia Income Maintenance Manual (WVIMM) Chapter 3 excerpt
- D-10 WVIMM Chapter 3 excerpt
- D-11 WVIMM Chapter 11 excerpt
- D-12 Code of Federal Regulations 7 CFR § 273.18 excerpt
- D-13 Case Comments from September 2024 through September 2025
- D-14 Hearing Request Notification
DoHS Notice of SNAP Overissuance, dated March 2, 2026

Appellant’s Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant received \$466 monthly SNAP allotment for a four-person Assistance Group (AG) from February 11 through September 3, 2025 (Exhibit D-4). The Respondent applied deductions to the Appellant’s income when calculating the SNAP allotment amount, including the earned income deduction, standard deduction, and shelter/utility deduction (Exhibit D-4).
- 2) On March 2, 2026, the Respondent, via IFM, issued a notice to the Appellant advising that a SNAP repayment claim for \$3,748 was being implemented due to SNAP overissuance from January 1, through September 30, 2025. The reason for the repayment claim was a client error of “wages/salaries-unreported/incorrect” (Exhibit D-14).
- 3) On July 16, 2025, Office of Inspector General (OIG) Quality Control (QC) notified the Respondent, “Due to the client failing to report all earned income at the time of application, QC finds an overissuance of \$370 in SNAP benefits” (Exhibits D-1 and D-2).

- 4) When making the client error finding, QC interviewed the Appellant on March 17, 2025, reviewed the Appellant's December 20, 2024 SNAP application, reviewed verified income thirty days prior to the Appellant's December 20, 2024 application, and reviewed verified income during March 2025 (Exhibit D-1). The reviewed income was verified via paystub and corroborated by Employee Wage Data (Exhibit D-1).
- 5) QC verified that in the thirty days preceding the Appellant's SNAP application, the Appellant's gross monthly earned income was \$2,738.30 and her adult child [REDACTED] (hereafter [REDACTED]) gross monthly earned income was \$1,195.70. Combined, the total gross household income was \$3,934.50 in the thirty days preceding the Appellant's SNAP application (Exhibit D-1).
- 6) [REDACTED] was employed at [REDACTED] from the second quarter of 2023 through the fourth quarter of 2024 (Exhibits D-1 and D-4).
- 7) The Appellant had previously reported on her July 6, 2023 SNAP review form that [REDACTED] was in the household and earning income from employment at [REDACTED] (Exhibit D-8).
- 8) The July 6, 2023 SNAP review form lists [REDACTED] birthdate as April 20, 2005. At that time, [REDACTED] was still enrolled in school (Exhibit D-8).
- 9) On December 20, 2024, the Appellant applied for SNAP benefits for a three-person AG that included herself and her two children: then fourteen-year-old [REDACTED], and then fourteen-year-old [REDACTED]. Under *Household Members*, the Appellant did not list [REDACTED] her adult child (Exhibit D-1).
- 10) On December 20, 2024, the Respondent's Worker completed an in-person eligibility interview with the Appellant and recorded that the Appellant resided in a four-person AG (Exhibits D-1 and D-13).
- 11) On December 20, 2024, the Respondent's Worker recorded that the Appellant's "oldest son is not working, removed that income" (Exhibit D-1).
- 12) On the Appellant's December 2024 application, under *Earned Income*, the Appellant wrote that she was employed at [REDACTED], worked forty hours per week, and received bi-weekly pay. The Appellant left the rate of pay and amount per period blank. The Appellant did not list earned or unearned income for [REDACTED] or any other AG member.
- 13) On the Appellant's December 2024 application, under *Shelter and Utility Costs*, the Appellant listed \$900 monthly rent, \$120 monthly electric, \$160 monthly gas, \$230 monthly telephone, and \$60 monthly water costs (Exhibit D-1).
- 14) On December 20, 2024, the Appellant signed her understanding that her AG may be required to repay any benefits paid to or on behalf of it for which it was not eligible because of unintentional errors made by the Appellant or by DoHS. She also acknowledged understanding

that if she gave incorrect or false information or failed to report changes that she is required to report, her AG may be required to repay any benefits it received (Exhibit D-1).

- 15) On December 20, 2024, the Appellant applied a handwritten signature that she understood it was her responsibility to provide complete and truthful information (Exhibit D-1).
- 16) On December 20, 2024, the Respondent pended the Appellant's SNAP eligibility to verify shelter costs and income (Exhibits D-1 through D-13).
- 17) On January 6, 2025, the Appellant verified her shelter and December 2024 income; however, the Respondent denied the Appellant's SNAP eligibility because the Appellant's November 22, 2024 paystub was still needed (Exhibit D-13).
- 18) QC recorded the AG's certification period from February 1, 2025, through January 31, 2026 (Exhibits D-1).
- 19) QC findings indicated that although the Appellant's application was submitted on December 20, 2024, the Respondent did not issue SNAP within 30 days and recorded that benefits were issued to the AG on February 11, 2025 (Exhibit D-1).
- 20) On February 12, 2025, the Respondent issued a notice advising the Appellant she was approved for \$466 in monthly SNAP benefits, beginning February 1, 2025. The *Statement of Calculations* on the notice informed the Appellant that \$2,738.80 gross income was considered when determining the SNAP allotment amount (Exhibit D-5).
- 21) The Appellant was employed with [REDACTED] through June 18, 2025 (Exhibit D-4).
- 22) On June 30, 2025, the Appellant submitted her SNAP Interim Contact Report (PRC-2 form) and confirmed that her household consisted of four people, including [REDACTED] (Exhibit D-6).
- 23) Under PRC-2 *Household Earned Income*, the Appellant reported that the household's gross earned income had increased or decreased by more than \$125 from the \$2,738.80 gross monthly earned income amount pre-populated on the form. The Appellant listed her employment with [REDACTED] but did not list any employment for [REDACTED] (Exhibit D-6).
- 24) On June 30, 2025, the Appellant applied a handwritten signature that she understood that statements on the form were true and correct to the best of her knowledge (Exhibit D-6).
- 25) On July 17, 2025, the Respondent issued a verification checklist requesting that the Appellant provide, by July 26, 2025, copies of employment verification for the Appellant and [REDACTED] for June and July 2025 (Exhibit D-7).
- 26) On July 22, 2025, the Appellant emailed verification of her June 2025 paystubs. [REDACTED] paystubs were not provided (Exhibits D-4 and D-13).

- 27) On September 4, 2025, the Respondent terminated the Appellant's SNAP eligibility because all requested verification was not submitted. After the closure, the Appellant submitted the remaining verification and the Appellant's SNAP eligibility was denied due to the household being over income (Exhibit D-13).
- 28) IFM divided quarterly wage data for the Appellant and [REDACTED] by 3 months to determine the April through June 2025, and July through September 2025, AG gross monthly income, SNAP allotment, and overissuance amounts (Exhibit D-4).
- 29) IFM did not rely on independent verification of gross earned income when determining the amount of the AG's gross monthly income, SNAP allotment, and overissuance amounts for February 2025, and April through May 2025, or August through September 2025 (Exhibit D-4).
- 30) The evidence reflected independent verification of the Appellant's income for the thirty days preceding the December 20, 2024 date of application, March 2025, June 2025, and July 2025 (Exhibits D-1 and D-4).

APPLICABLE POLICY

West Virginia Income Maintenance Manual § 1.2.4 *Client Responsibility* provides that it is the client's responsibility to provide complete and accurate information about her circumstances so that the Worker can make a correct determination about her eligibility.

WVIMM § 3.2.1.A.4 *Children Under Age 22, Living with a Parent* provides that natural children who are under age 22 years of age and who live with a parent must be in the same AG as that parent.

WVIMM § 3.4.2 *Income Group* provides that the non-excluded income of all AG members is counted.

WVIMM § 4.3.1 (30)(f) and (j) *Charts of Income Sources, Chart 1: Employment* provides that wages and salaries are counted as income when determining SNAP eligibility.

Repayment Claims

Code of Federal Regulations 7 CFR §§ 273.18(a)(1)(i), (a)(2), and (a)(4)(i) *Claims Against Households* provide that a recipient claim is an amount owed because benefits are overpaid. The State agency must establish and collect any claim by following these regulations. Each person who was an adult member of the household when the overpayment occurred is responsible for paying the claim.

Code of Federal Regulations 7 CFR § 273.18(b)(2) *Types of Claims* provides that an inadvertent household error (IHE) is any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

WVIMM § 11.2 SNAP Claims and Repayment Procedures provides that when an AG has been issued more SNAP benefits than it was entitled to receive, corrective action is taken by establishing either an Unintentional Program Violation (UPV) or Intentional Program Violation (IPV) claim. The claim is the difference between the SNAP entitlement of the AG and the SNAP allotment the AG was entitled to receive.

Code of Federal Regulations 7 CFR § 273.18(c)(1) Calculating the Claim Amount provides:

(ii) The actual steps for calculating a claim are:

(A) determine the correct amount of benefits for each month that a household received an overpayment

(B) do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis of the claim ...

(C) subtract the correct amount of benefits from the benefits actually received ...

WVIMM § 11.2.2 Procedures for Establishing SNAP Claims provides that the IFM investigative staff must perform the following steps to establish a claim against the AG:

- Accept all referrals regarding potential SNAP overissuances
- Review the case record and data system information
- Obtain third-party verifications to support allegations
- Identify the month(s) for which the claim is to be established
- Classify the claim as UPV or IPV
- To determine the amount of overissuance use the calculation and instructions found in IMM 4.4.3.C...
- Notify the AG of the overissuance
- Initiate and monitor collection activity on the claim
- Complete the appropriate screen in the eligibility system, which issues notification of disqualification
- Notify the Worker to initiate the disqualification

Calculating the Claim

Code of Federal Regulations 7 CFR § 273.10(e)(1)(i)(A) Calculating net income and benefit levels – Net monthly income provides that to determine a household's net monthly income, the State agency shall add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income

WVIMM § 4.4.3.C Determining the Amount of the Benefit provides that to determine the SNAP allotment, find the countable income and the maximum benefit allotment for the AG in Appendix A. The SNAP allotment amount is computed by multiplying the net income by 30% (round up) and subtracting 30% of the net income from the maximum monthly benefit for the AG size.

WVIMM § 4.4.3.B Determining Countable Income provides that the following steps are used to determine countable income for cases meeting the eligibility tests above.

Step 1: Combine monthly gross countable earnings ...

Data Exchanges

WVIMM § 6.1 *Data Exchanges Introduction* provides that there are two main electronic sources that provide verifications to the DoHS. These are the Federal Data Hub (FDH) and the Income and Eligibility Verification System (IEVS). IEVS is a computerized information system that performs data matches against several agency databases to verify certain types of income and/or assets. The information provided by these two main sources overlaps in some cases. The Worker accesses all information through the eligibility system.

In general, the two sources are used in the following ways: ...

- Data exchange information available at both application and review may also be used by the Worker to evaluate discrepancies in the client's statement when it disagrees with the Hub data.

WVIMM § 6.1.2 *IEVS Data Exchanges* provides the DoHS with additional sources of information for use in determining eligibility and the amount of the benefit for applicants and clients. This information is provided to the Worker through data exchanges.

Through the eligibility system, DoHS staff receive information obtained through data exchanges with other governmental agencies ... Information obtained through IEVS is used for the following purposes:

- To verify the eligibility of the assistance group (AG)
- To verify the proper amount of benefits
- To determine if the AG received benefits to which it was not entitled ...

WVIMM § 6.2.1.A *State Data Exchanges, Workforce West Virginia – Wage Information* provides that wage information is available around the fifth working day of each quarter for the previous quarter. Information received includes:

- Employer name and address;
- Dates of employment; and
- Wages for individuals whose actual earnings are \$225 or greater per quarter than the income used for the AG for the same quarter.

Code of Federal Regulations 7 CFR § 272.8(a) *State Income and Eligibility Verification System, General* provides:

(1) State agencies shall maintain and use an income and eligibility verification system (IEVS), as specified in this section. By means of the IEVS, State agencies may request wage and benefit information from the agencies identified in this paragraph and use that information in verifying eligibility for and the amount of SNAP benefits due to eligible households.

Code of Federal Regulations 7 CFR § 273.2(f)(9) *Mandatory use of IEVS* provides:

(i) The State agency must obtain information through IEVS in accordance with procedures specified in § 272.8 and use it to verify the eligibility and benefit levels of applicants and participating households

Code of Federal Regulations 7 CFR § 272.8(c) *Actions on recipient households* provides:

- (1) State agency action on information items about recipient households shall include:
 - (i) Review of the information and comparison of it to case record information ...

- (3) When the actions specified in paragraph (c)(1) of this section substantiate an overissuance, State agencies must establish and take actions on claims as specified in § 273.18 of this chapter.

DISCUSSION

A SNAP overissuance repayment claim was implemented against the Appellant. During the hearing, the Appellant did not dispute that a SNAP overissuance occurred but argued that she should not have to pay the full overpayment amount and contended that the Respondent was partly responsible for the error.

When an AG has been issued more SNAP benefits than it was entitled to receive, corrective action may be taken to recoup the difference between the AG's SNAP entitlement and the SNAP allotment received by the AG. Unintentional Program Violations (UPVs) include client errors that result in SNAP benefit overissuance. The Respondent bears the burden of proof and had to demonstrate by a preponderance of evidence that a SNAP repayment claim should be established because the Appellant committed a client error that resulted in overissuance of the Appellant's SNAP benefits based on information she reported on her December 20, 2024 SNAP application.

SNAP Overissuance

The submitted paystubs and wage data verify that the Appellant and ██████ had earned income at the time of the Appellant's December 2024 SNAP application. According to the evidence, the Appellant made client errors on December 20, 2024, and on June 30, 2025, by failing to report earned income for ██████ on her application and Interim Contact Report. Because the AG's SNAP allotment was based on income reported by the Appellant and income for ██████ was not reported, the preponderance of evidence verified that the AG was overissued SNAP benefits beginning in February 2025.

Overissuance Amount

The Appellant argued that she did not advise the Respondent in December 2024 that her son was not working and contended that the Respondent made an error by recording that she had reported ██████ was not working. During the hearing, the Appellant did not dispute the Respondent's calculation of monthly income or the amount of the SNAP repayment. The Appellant argued that because the Respondent did not consider ██████ income after December 2024, the Respondent is partly responsible for the SNAP overissuance error; therefore, she contended she should not be required to repay the full amount of the overissuance.

Although the Appellant argued that she should not have to repay the full amount of the SNAP overissuance, the evidence revealed that she signed her understanding that it was her responsibility to provide complete and truthful information, and her understanding that if she provided incorrect information that the AG may be required to repay the benefits it received. According to the

evidence, after her \$466 monthly SNAP allotment approval, the Respondent mailed a letter reflecting the amount of income used to determine the Appellant's eligibility. Pursuant to the evidence, the Appellant did not list [REDACTED] as a wage earner in her household or contact the Respondent to correct the income reflected on the approval notice. As the preponderance of evidence proved the Appellant was overissued SNAP benefits due to a client error, the AG is responsible for the repayment of the full amount of overissued SNAP benefits received.

When calculating a SNAP overissuance repayment claim, the federal regulations require the State agency to determine the correct amount of benefits for each month that a household received an overpayment. According to the Respondent's policy, IFM staff must determine the amount of overissuance by using the calculation and instructions found in WVIMM § 4.4.3.C. To determine the SNAP benefit allotment, the Respondent must first determine an amount of combined monthly gross countable earnings. Because [REDACTED] income was not reported in December 2024, anticipated income could not be used to calculate the amount of repayment; instead, the Respondent was required to use past income when calculating the monthly overissuance amounts.

Pursuant to the policy and regulations, the State agency must obtain information through IEVS and use it to verify the eligibility and benefit levels of applicants and participating households. The policy permits the Respondent to access IEVS data exchanges to verify the proper amount of benefits, and to determine if the AG received benefits to which it was not entitled. When establishing a SNAP claim, the policy instructs IFM investigative staff to review the case record and data system information. As paystubs were not provided during the full period of overissuance, the Respondent relied upon IEVS quarterly wage data to affirm the amount of income received by the Appellant and [REDACTED] and obtain an average monthly income amount.

The QC records indicated that the AG was overissued \$370 in the sample month — March 2025. However, the Respondent's *SNAP Claim Determination* sheet indicated that the AG was eligible for \$24 in March 2025, resulting in an overissuance of \$442 for March 2025, which is inconsistent with the QC decision based on verified income for that month. The QC amount differs from the IFM amount because QC applied deductions to the full amount of income received for the period, rather than only applying income deductions to the amount reported by the Appellant in December 2024, as required by policy when calculating the claim amount.

For calculation of net income and benefit levels, federal regulations instruct that the State agency shall add the gross monthly income earned by all household members, minus income exclusions, to determine the household's total gross income. When calculating the amount of SNAP overissuance from January through March 2025, the Respondent applied an earned income deduction on the amount of income reported on the application but no earned income deduction on the amount of income that was unreported, as policy precludes deductions from being applied to non-reported information. A standard deduction amount was applied to the total earned income. Because the unreported income, once applied to the AG's total income, increased the amount of the household's income, the amount of excess shelter costs was reduced to zero. As a result, the AG would have only been entitled to \$24 of SNAP allotment. Because the AG was issued \$466 in SNAP benefits in February 2025, the evidence revealed that the Appellant was overissued \$442 in SNAP benefits. The Respondent's calculation multiplies this overissuance amount by three to

determine the overissuance amount from January through March 2025, however, the preponderance of submitted evidence only supported an overissuance beginning in February 2025.

According to the regulations, when a review of IEVS information results in the substantiation of overissuance, State agencies must establish a repayment claim.

Overissuance period:

Although the claim begins in January 2025, QC findings indicated that the AG was not issued SNAP benefits based on the Appellant's December 2024 application, until February 11, 2025. The Respondent's *SNAP Claim Determination* sheet reflects that the Appellant received \$92 in SNAP benefits for January 2025; however, that amount was based on a previous SNAP allotment determination that was unrelated to the Appellant's December 2024 SNAP application.

The *SNAP Allotment Determination* history provided by the Respondent indicates the first SNAP overissuance occurred in February 2025, not January 2025. Therefore, the Respondent's inclusion of January 2025 in the SNAP overissuance period cannot be affirmed. The matter must be remanded for recalculation of the total SNAP repayment claim amount after the January 2025 SNAP amount is removed. Pursuant to the regulations, a new notice must be issued to the Appellant notifying her of the repayment claim amount.

CONCLUSIONS OF LAW

- 1) When an AG is issued more SNAP benefits than it was entitled to receive due to an unintentional program violation caused by a client error, the Respondent may initiate corrective action by establishing a repayment claim.
- 2) The preponderance of evidence proved that the Appellant made client errors on December 20, 2024, and on June 30, 2025, by failing to report earned income for [REDACTED] on her application and Interim Contact Report.
- 3) The preponderance of evidence proved that because the income for Mr. [REDACTED] should have been reported and considered when making the AG's SNAP allotment decision, the Appellant was overissued SNAP benefits, beginning in February 2025.
- 4) Because the Appellant's client error resulted in the overissuance of SNAP benefits to her AG in February 2025, the Respondent's decision to initiate a SNAP repayment claim must be affirmed.
- 5) Because the Respondent incorrectly included January 2025 in the Appellant's SNAP overissuance period, the matter must be remanded for recalculation of the repayment claim amount beginning in February 2025 and for the issuance of a new notice advising the Appellant of the corrected claim amount.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to implement a SNAP overissuance repayment claim against the Appellant. However, the matter is **REMANDED** for recalculation of the total SNAP repayment claim amount beginning in February 2025, and for the issuance of a new notice advising the Appellant of the corrected claim amount.

ENTERED this 15th day of April 2026.

**Tara B. Thompson, MLS
Certified State Hearing Officer**